**Crosswalk Linking 1 CCR 301-3: Food and Nutrition Services Rules to Statute**

| **State Board of Education Proposed Rule** | **Statutory and Federal Regulation Citation**  |
| --- | --- |
| 201.01 In those schools participating in the School Breakfast and/or National School Lunch Program(s), competitive food service is any food or beverage available to students that is separate from the district's nonprofit federally reimbursed food service program, and is provided by a school-approved organization or by a school-approved outside vendor.  | Section 22-32-136(2)(a), C.R.S. "Competitive food" means any food or beverage available to students that is separate from the school district's nonprofit, federally reimbursed food service program and is provided by a school-approved organization or a school-approved outside vendor. |
| 201.02 Competitive food service, except as outlined in Section 201.03, shall not operate in competition with the district's food service program. Such competitive foods cannot be sold 30 minutes before to 30 minutes after each scheduled meal service on any area of the school campus that is accessible to students. 201.03 The restriction in Section 202.02 does not apply to the service of competitive, mechanically-vended beverages offered to students at the senior high level.  | 7 Code of Federal Regulations §210.11(5)(b)(1)(b) General. State agencies and school food authorities shall establish such rules or regulations as are necessary to control the sale of foods in competition with lunches served under the Program. Such rules or regulations shall prohibit the sale of foods of minimal nutritional value, as listed in appendix B of this part, in the food service areas during the lunch periods. The sale of other competitive foods may, at the discretion of the State agency and school food authority, be allowed in the food service area during the lunch period only if all income from the sale of such foods accrues to the benefit of the nonprofit school food service. State agencies and school food authorities may impose additional restrictions on the sale of and income from all foods sold at any time throughout schools participating in the Program. |
| 201.04 As stated in Section 22-32-136(4), C.R.S., each district’s board of education is encouraged to establish rules specifying the time and place at which competitive foods may be sold on school property in order to encourage the selection of healthful food choices by students. | Section 22-32-136(4), C.R.S. Each school district board of education is encouraged to establish rules specifying the time and place at which competitive foods may be sold on school property in order to encourage the selection of healthful food choices by students. |

| **State Board of Education Proposed Rule** | **Statutory and Federal Regulation Citation**  |
| --- | --- |
| 202.01 Records must be kept in such a way as to substantiate the claims of the district and meet the requirements of the USDA. At a minimum, all records pertaining to the federal child nutrition programs, including claims, financial records and supporting documentation, must be retained for a period of three years after the end of the federal fiscal year (October 1 through September 30) to which they pertain.  | **7 Code of Federal Regulations §210.15**(a) Reporting summary. Participating school food authorities are required to submit forms and reports to the State agency or the distributing agency, as appropriate, to demonstrate compliance with Program requirements…… (b) Recordkeeping summary. In order to participate in the Program, a school food authority or a school, as applicable, must maintain records to demonstrate compliance with Program requirements…...**7 Code of Federal Regulations §210.23(a)** Retention of records. State agencies and school food authorities may retain necessary records in their original form or on microfilm. State agency records shall be retained for a period of 3 years after the date of submission of the final Financial Status Report for the fiscal year. School food authority records shall be retained for a period of 3 years after submission of the final Claim for Reimbursement for the fiscal year. In either case, if audit findings have not been resolved, the records shall be retained beyond the 3-year period as long as required for the resolution of the issues raised by the audit. |
| 202.02 Records pertaining to the Public School Finance Act of 1996, including direct certification listings, applications for free and reduced price school meals, family economic data survey forms, district listings of migrant, homeless, runaway or foster students, and Head Start documented participation must be retained until audited by CDE or until five years from the certification due date whichever comes first.  | 1 Code of Colorado Regulations 301-398.01 Each district and eligible facility pursuant to Rule 2254-R-14.03 shall retain complete documentation supporting any certification made to the Department or any other data given to the Department for purposes of administering the Public School Finance Act of 1994 until audited by the Department or until five years from the certification due date whichever comes first. |
| 203.01 Districts and school food authorities may contract for the services of a food service management company (FSMC). 2037.02 School food authorities wishing to enter into a FSMC contract must comply with all federal rules and regulations pertaining to such FSMC contracts. 203.05 The school food authorities must maintain control of meal prices, and retain signature authority on all agreements, reimbursement claims, free and reduced price policy implementation, and any other required forms and reports. | 7 Code of Federal Regulations §210.16   Food service management companies.(a) *General.* Any school food authority (including a State agency acting in the capacity of a school food authority) may contract with a food service management company to manage its food service operation in one or more of its schools…….  |

| **State Board of Education Proposed Rule** | **Statutory and Federal Regulation Citation**  |
| --- | --- |
| 203.03 To ensure compliance with state and federal requirements relating to contracting with FSMC's, school food authorities must utilize the request for proposal (RFP) and contract prototypes and procedures as provided by CDE. 203.04 All RFP documents must be approved by CDE prior to release of the RFP. All contracts must be approved by CDE prior to the inception of the contract.  | **7 Code of Federal Regulations §210.16   Food service management companies.**(9) Obtain written approval of invitations for bids and requests for proposals before their issuance when required by the State agency. The school food authority must incorporate all State agency required changes to its solicitation documents before issuing those documents; and(10) Ensure that the State agency has reviewed and approved the contract terms and that the school food authority has incorporated all State agency required changes into the contract or amendment before any contract or amendment to an existing food service management company contract is executed. Any changes made by the school food authority or a food service management company to a State agency pre-approved prototype contract or State agency approved contract term must be approved in writing by the State agency before the contract is executed. When requested, the school food authority must submit all procurement documents, including responses submitted by potential contractors, to the State agency, by the due date established by the State agency. |